

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE	CHAPTER 7
LEGENDARY FIELD EXHIBITIONS, LLC.	CASE NO.: 19-50900-cag
AAF PLAYERS, LLC,	CASE NO.: 19-50902-CAG
AAF PROPERTIES, LLC,	CASE NO.: 19-50903-CAG
EBERSOL SPORTS MEDIA GROUP, INC.,	CASE NO.: 19-50904-CAG
LFE 2, LLC,	CASE NO.: 19-50905-CAG
WE ARE REALTIME, LLC, and	CASE NO.: 19-50906-CAG
DEBTORS.	

**(SUBSTANTIVE CONSOLIDATION OF
ALL 6 CASES, INTO ONE CASE
LEGENDARY FIELD EXHIBITIONS,
LLC, CASE NO. 19-50900-CAG)
JOINTLY ADMINISTERED UNDER
CASE NO. 19-50900-CAG)**

**THOMAS G. DUNDON’S AND DUNDON CAPITAL PARTNERS, LLC’S
MOTION FOR LEAVE TO FILE A SUR-REPLY TRUSTEE’S REPLY TO
OBJECTIONS TO TRUSTEE’S APPLICATION TO COMPROMISE AND SETTLE
PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9019**

Thomas G. Dundon (“Dundon”) and Dundon Capital Partners, LLC (“DCP”), creditors and parties in interest herein, file this Motion for Leave to file a Sur-Reply to Trustee’s Reply to Objections to Trustee’s Application to Compromise and Settle Pursuant to Federal Rule of Bankruptcy Procedure 9019 (Doc#433).

1. Dundon and DCP seek leave to file a sur-reply to supplement the record with critical evidence needed for the Court to make a determination of the objections Dundon and DCP set forth, as well as address new and conflicting arguments the Trustee raised in his Reply to

Thomas Dundon's and Dundon Capital Partners, LLC's Response to Trustee Application to Compromise and Settle Under Federal Rule of Bankruptcy Procedure 9019 (the "Reply") (Doc. #433).

2. On several occasions, the Reply provides the Trustee's interpretation and opinion of what certain provisions mean within the Standard Player Agreements ("SPA")—the actual documents Plaintiffs claim entitle the purported class to a priority claim of millions of dollars. *See id.*

3. Critically absent from the Reply or any the Trustee's evidence are the actual SPAs. Because both sides of this dispute cite this evidence, it is important for the Court to review the actual player contracts, and its absence from the record makes it difficult for the Court to make a fully informed determination.

4. Further, in its response, the Trustee presents conflicting arguments and positions from his objections filed last year.

5. Accordingly, Dundon and DCP move for leave to file a sur-reply to add the contracts for the two lead plaintiffs, Colton Schmidt and Reggie Northrup, and to supplement their arguments to address the about-face taken by the Trustee.

6. Dundon and DCP attach their Sur-Reply to Trustee's Reply to Objections to Trustee's Application to Compromise and Settle Pursuant to Federal Rule of Bankruptcy Procedure 9019, as Exhibit A.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Thomas G. Dundon and Dundon Capital Partners LLC ask the Court grant his Motion, allow Dundon and DCP leave to file the Sur-Reply, attached hereto as Exhibit A, and grant Dundon and DCP all such other and further relief, at law or in equity, to which they may be entitled.

Respectfully submitted,

BELL NUNNALLY & MARTIN LLP

By: /s/Brent D. Hockaday
Jeffrey S. Lowenstein
Texas Bar No. 24007574
jlowenstein@bellnunnally.com
Brent D. Hockaday
Texas Bar No. 24071295
bhockaday@bellnunnally.com
2323 Ross Avenue, Suite 1900
Dallas, Texas 75201
214.740.1400 (Telephone)
214.740.1499 (Facsimile)

And

BRANSCOMB PLLC

Patrick H. Autry
Texas Bar No. 01447600
pautry@branscomblaw.com
8023 Vantage, Suite 560
San Antonio, Texas 78230
210.598.5400 (Telephone)
210.598.5405 (Facsimile)

**ATTORNEYS FOR DEFENDANT
THOMAS G. DUNDON AND DUNDON
CAPITAL PARTNERS, LLC**

CERTIFICATE OF SERVICE

I certify I served the foregoing document with the counsel of record by electronic means to all parties of record via the courts electronic filing system on September 27, 2021, including those parties to the settlement agreement set forth below:

Jonathon S. Farahi
Boris Treyzon
Abir Cohen Treyzon Sala, LLP
16001 Ventura Blvd., Suite 200
Encino, CA 91436
Email: JFarahi@actslaw.com
Email: btreyzon@actslaw.com

Counsel for Plaintiffs

William N. Radford
Aaron B. Michelsohn
Thompson, Coe, Cousins & Irons, L.L.P.
700 N. Pearl Street, Twenty-Fifth Floor
Dallas, TX 75201
Email: wradford@thompsoncoe.com
Email: amichelsohn@thompsoncoe.com

Counsel for Defendant Charles Ebersol

Brian S. Engel
Barrett Daffin Frappier Turner & Engel
3809 Juniper Trace, Suite 205
Austin, TX 78738
Email: brianen@bdfgroup.com

Counsel for Trustee Randolph N. Osherow

Michael J. Saltz
Jacobson, Russell, Saltz, Nassim & de le Torre
1880 Century Park East, Suite 900
Los Angeles, CA 90067
Email: msaltz@jrsnd.com

Counsel for Defendant Charles Ebersol

/s/Brent D. Hockaday
Brent D. Hockaday